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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN BONILLA, et al.,

No. C 05-4942 MEJ

Plaintiff(s),

ORDER RE: CASE STATUS

vs.

WHEAT LAND SURVEYING, INC., et al.,

Defendant(s).

/

Pending before the Court is Gagen, McCoy, McMahon, Koss, Markowitz & Raines' ("Gagen") Motion to be Relieved as Counsel for Defendants Wheat Land Surveying, Inc. ("Wheat Land") and Robert Wheat. As part of its motion, Gagen submitted a "Consent to Withdrawal of Counsel," signed by Robert Wheat as an individual and as President of Wheat Land. (McMahon Decl., Ex. B.) Further, on August 9, 2007, the Court held a hearing on the matter, at which Robert Wheat and Gagen made appearances. Based on discussions at the hearing and the papers submitted on this matter, it appears that the parties have reached a settlement agreement, subject only to an arbitrator's determination of hours, which, under the settlement agreement, is binding on the parties. As a settlement agreement is a private contract between the parties and enforceable as a separate action, this matter should be dismissed, thus obviating the need for counsel's withdrawal. Accordingly, the Court ORDERS as follows:

- 1) The parties shall file a stipulation for dismissal by August 16, 2007; or

1 2) If the parties believe that this matter should remain pending despite the signed settlement
2 agreement, they shall file a joint statement explaining their reasoning by August 16, 2007.
3 The parties should be mindful that a settlement agreement creates a binding contract which is
4 separate from this action. If the parties do not file a stipulation for dismissal, the Court shall
5 conduct a further hearing on August 23, 2007 at 10:00 a.m. in Courtroom B.

6 **IT IS SO ORDERED.**

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8 Dated: August 9, 2007

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11 MARLENE ELEN JAMES
12 United States Magistrate Judge